

BE SPECIFIC  
IN CHARGESIs Opening Gun in Defense at  
Boise, Idaho, Trial

## HEARD IN COURT TO-DAY

One of Greatest Legal Battles of Half a  
Century Started—Haywood, Moyer  
and Pettibone Charged With  
Murder.

Boise, Idaho, May 6.—The opening gun of what promises to be the greatest legal battle in the criminal annals of the past half century was fired today, when E. F. Richardson of Denver in the county court house, as senior counsel for William D. Haywood, Charles H. Moyer and George A. Pettibone charged with being implicated in the murder of ex-Governor Frank Steunenberg who was killed by a bomb explosion in Caldwell on December 30, 1905, asked the court to compel the prosecution to furnish a bill of particulars that show just what act is alleged. He said that while the indictment says murder, the charges alleged conspiracy.

WILL HAVE JUSTICE  
MURDER TRIAL

President Says That If Evidence Is Submitted Showing Misconduct of Justice He Will Have Attorney General Take It Up.

New York, May 6.—In a letter read yesterday before the Central Federal union, President Roosevelt states that if evidence is submitted to him showing there has been a miscarriage of justice for or against Moyer and Haywood, awaiting trial at Boise, Idaho, charged with the murder of Governor Steunenberg, he will bring such evidence to the attention of the attorney general for such action, if any, as it may be in the power of the federal authorities to take.

The president's letter follows:

"The White House, Washington, May 2, 1907.

"My Dear Mr. Henry: When you, in company with Messrs. Coakley and Brown, called upon me this morning I read you the letter I had written to the attorney general on March 25, 1906. At your request I gladly send you the following extract from that letter:

"Our duty is (if it should ever happen that we had any power in the matter) to see that exact justice is done these men. There must be no condonation of lawlessness on our part, even if the lawlessness takes the form of an effort to evade the law."

"The lawlessness of others, committed by the lawlessness of others. The sole question as regards Haywood and Moyer must be the question whether or not they can be shown to be guilty of this particular act, and their legal rights must be as carefully safeguarded as those of any other man."

"It is alleged that they were extradited from Colorado in a manner that amounted to a betrayal of their legal rights. I should like to have the district attorney of Idaho give me such information as he can on this point. I should like to get from that district attorney of Idaho any information that he can obtain as to whether or not there has been the slightest disposition shown by the authorities in Idaho to act toward these men in an unfair and improper manner or to deny them their legal rights. On the other hand I should like to know whether there is any symptom of a miscarriage of justice in their favor."

"The temperate violence with which the socialistic or labor parties like that of Debs' and, I am sorry to say, some labor organizations, have insisted, without any knowledge of the facts, upon treating these men as martyrs to the cause of justice has given them full legal rights and not condemned unless proved guilty of this specific act. So far as by any action, or by murderous and treasonable language, such as that quoted above from Debs (and others), they tend to bring pressure to bear upon the state authorities and the courts to obstruct the course of justice and to render it difficult to convict the men if guilty, they are equally without stint to be condemned; and anything that the federal authorities can do, in either event, to further the cause of justice is to be done."

"In response to your question it is, I trust needless for me to say that if at any time you or anyone else can submit to me any evidence showing that there has been a miscarriage of justice for or against Messrs. Moyer or Haywood, which I believe it is in my power to remedy, I will act at once, bring such evidence to the attention of the attorney general to have him give it the fullest consideration, and to make thereon such action, if any, as it may be in the power of the federal authorities to take."

"Sincerely yours,

Theodore Roosevelt.

"Mr. John S. Henry, 1220 Third avenue, New York."

The communication was the formal reply of the president to the committee

USED A ROPE  
ON HIMSELFTurnkey Greene of St. Albans  
Committed Suicide

## HIS WIFE WAS AT CHURCH

Act Committed in Basement of the  
Franklin County Jail Yesterday—  
He Had Been Despondent Over  
Ill Health.DRANK POISON  
AFTER HIS ARREST

Albert L. Smith, Somerville Man, Was  
Charged With Murdering His  
Uncle's Wife Saturday  
Night.

Boston, May 6.—Owing to the suicide of Albert L. Smith, a Somerville motor-man, just after being arrested early yesterday, the police believe that they have solved the mystery of a atrocious murder yesterday of Mrs. George Smith, wife of the young man's uncle, at a lodging house in Hancock street. Mrs. Smith's resistance to the young man's attention which are said to have been so persistent as to cause a separation between her and her husband, is thought to have led to the crime.

Mrs. Smith's body was found Saturday at the entrance of her room with the jugular vein severed, the chest slashed and the wrist cut. A broken razor lay on the kitchen floor and under a sofa in the house was an overcoat with blood on the sleeve. The garment was identified as belonging to young Smith.

The police searched all the evening through Somerville for him and found him at the house of a friend at Medford. He was very nervous when informed of his arrest, but after a glass of water. This he used it is thought in taking a dose of corrosive sublimate. Soon after, on the way to the station with the officers he fell unconscious and died at a nearby hospital. The victim of the murder was 30 years old and had been married about five years.

COMES TO RESCUE  
OF EXPOSITION

Thomas Fortune Ryan Makes a Loan  
and Takes Mortgage on Buildings  
and Grounds—Political Move  
So It Is Said.

New York, May 6.—Wall street today generally credits the story that Thomas F. Ryan has come to the rescue of the Jamestown exposition with a loan of \$400,000. Mr. Ryan has projected himself, however, by securing the mortgage on the exposition grounds and buildings, which virtually makes him owner of the exposition. It is hinted that behind Ryan's act, which cannot be commended from a business standpoint, is a political move. He is credited with a desire to be senator from Virginia, his native state.

## FORTY-SIX GIVE UP.

Inter-State Trades in Meat Lost Through  
Meat Inspection Law.

Chicago, May 6.—Forty-six establishments have been compelled to give up their inter-state trade in meats as a result of the enforcement of the meat inspection law in the last ten months, according to a statement by Dr. A. D. Melvin, chief of the bureau of the animal industry in the department of agriculture in a speech before a meeting of the meat inspectors to-day. The inspection was withdrawn from 12 for failure to maintain proper sanitary standard, and the others were closed for using prohibited preservatives.

## ORANGE.

General Thurston was in Barre Friday.

Stanley Curtis is visiting friends in Barre a few days.

Frank Adams and wife and Miss Fern Frake were in town Saturday and Sunday.

Mrs. Myra Clement is spending a few days with her daughter, Mrs. Herbert Hutchinson, in Barre.

Supervisor Wells of Randolph was in town Friday, and with the selectmen and Commissioner Clark inspected the roads in town.

The schools are all in running order except one. Miss Nellie Woodruff in Wilson school, Mary Carr, Kimball corner, Otwell Miller, Cutler corner, Susie M. Badger, Center; Edna R. Davis, Clement district; Beattie Simpson, East Orange. Clark district will begin later with Miss Elsie Hill of Tunbridge as teacher.

## TALK OF THE TOWN.

K. W. Morse, at the City hotel opened his bar for business this morning.

Among the arrivals at the City hotel today were J. H. Groves, Hartford, C. F. Pike, Boston; W. L. Winter, Burlington; George Poole, Boston; Charles J. Renick, New York; M. C. Thomas, Troy, N. Y.; and F. P. French, West Burke.

There will be a special meeting of the Ladies' Guild of the Church of the Good Shepherd, Tuesday evening after service in the church to make arrangements for the district meeting of the Woman's Auxiliary to be held here May 20th. A good attendance is desired.

Loyal L. Wright, of Middlebury, 96 years old, who prides himself on having voted for Andrew Jackson for president in 1812, was able to be down town Thursday for the first time since last fall.

HUNDREDS SAW  
FATAL RUNAWAYMrs. Luke O. Morse of Williamsville  
Received Injuries at Brattleboro  
Which Will Cause Her  
Death.

Brattleboro, May 6.—Just after the close of the morning service at the churches yesterday a spectacular runaway occurred in which Mr. and Mrs. Luke O. Morse of Williamsville were seriously injured. Mrs. Morse fatally. They were driving down a steep hill when the holdback strap broke, letting the wagon on the horses' heels. Down the hill he ran with terrific speed and Mr. and Mrs. Morse were dashed against an iron fence.

Hundreds saw the accident and sympathetic hands quickly lifted the unconscious forms and bore them to the Memorial hospital. It was there found that Mrs. Morse had received a fractured skull, a broken collar bone and internal injuries, from which she cannot recover, and that Mr. Morse has a broken collar bone but is not fatally hurt.

Mr. and Mrs. Morse are between 50 and 60 years of age.

## GOV HUGHES MAY COME.

Expects to Attend Midsummer Meeting  
Fish and Game League.

Stowe, May 6.—It is announced that Maxwell Evans, president of the Vermont Fish and Game League, has received a letter from the secretary of Gov. Charles E. Hughes, of New York, announcing that Governor Hughes expects now that he will be able to attend the midsummer meeting of the league.

CHARGES SUSTAINED  
DALEY REMOVED

Burlington City Council Has a Stormy  
Time Over Street Commissioner  
Who Is Finally Ousted.

Burlington, May 6.—At the adjourned meeting of the city council held Saturday evening to consider the charges against street commissioner J. W. Daley, under suspension for inefficiency in office, the charges were sustained by a vote of eight to four; Daley was removed from office and James B. Henderson was selected to serve in his place. The meeting was one of the most tempestuous in the annals of the city.

Persons who were hushed and forth and parliamentary precedent was put to one side in the fierce and fiery discussion of the charges preferred against Commissioner Daley. The tangle continued to the last, when the declaration of the vote on the resolution removing Mr. Daley from office was delayed by the refusal of Alderman Dion to vote either way.

After much hesitation Mr. Dion voted in favor of removal. All of the members of the council were present except J. Frank Kidder of ward one who resigned last week following his election to the office of superintendent of water works.

## SIGN AN AGREEMENT.

Carpenters and Master Builders Will  
Have Two Years Truce.

A change in the labor dispute in the building trade at Burlington is to-day told by the Free Press as follows:

The members of the Carpenters and Joiners union, No. 683, have decided to discontinue their strike, which they have in sympathy with the local bricklayers' union, International union, No. 1, and have signed a two-year contract with the Champlain Manufacturing Co., to the effect that there will be no strike on any building contract during that period.

In return the Champlain Manufacturing Co. promise to employ only union labor on all building contracts. The bricklayers' and masons' union have been out for an eight day since a year ago last April. This spring the carpenters struck in sympathy, but as there is no prospect of having employment this summer they decided to continue work under nearly former conditions.

National organizer W. J. Shields of Jamaica Plain, Mass., and president of the Vermont state branch of the American association of labor James Cruickshank of Barre were in the city last week in consultation with the local unions and President Bowen of Indianapolis, Ind., president of the Masons' International union. It was decided that the carpenters should resume work.

The contract with the Champlain Manufacturing company calls for two arbitration committees of three men, a committee to represent each side who will try to settle all disputes which may arise. In case the committee cannot agree a referee will be appointed to decide the matter.

## BURIAL IN MORRISVILLE.

Body of The Late Zara H. Griswold  
Taken There Saturday Afternoon.

A prayer service over the remains of the late Zara H. Griswold who died Friday afternoon at the home of his daughter, Mrs. C. E. Campbell, was held at her residence on Elm street Saturday afternoon, the Rev. C. C. Conner officiating. The body was then taken to Morrisville, where the funeral services were held yesterday.

Programme at Goddard.

There will be a piano recital at Goddard seminary Wednesday evening, May 8, at 8 o'clock. Everyone interested is cordially welcome. The programme is as follows:

Airs from Elvire d'Amore for four hands  
Lola Seaver ..... Winnifred Weeden  
(a) Menett ..... Jach  
(b) Hunting song from Opus 30  
Ellen Gordon  
Swan song ..... Blumenthal  
Marche de Concert ..... Waech  
Winnifred Weeden  
(a) By the lake  
(b) On the Sea ..... Scheytle  
Lola Seaver  
Valse ..... Reinhold  
Elizabeth Cason  
March-Grotesque ..... Slinding  
Clara Cross  
Septette, Op. 74 ..... Hummel  
(Arr. for two pianos)  
Alice N. Averill, Millen Phelps  
New lot of coats at Abbott's.

RESIGNATION  
IS REGRETTEDRev. W. A. Kinzie to Go to  
Lynn, Mass., Church

## LETTER READ YESTERDAY

Members of First Baptist Church Were  
Not Surprised—They Feel Very  
Sorry That They Must Lose  
Their Pastor.

It was with great regret that the members of the First Baptist church heard yesterday the resignation of their pastor, the Rev. W. A. Kinzie. The letter was read by the Rev. W. A. Davidson of Burlington who supplied the pulpit in the absence of the pastor, the letter having left last Tuesday for Rome, Italy, to attend the World Sunday school conference and intending to be away ten weeks. The action of the pastor was not unexpected, but that did not serve to relieve the feeling of sorrow over his intended departure.

Inasmuch as Mr. Kinzie has accepted a call to a Baptist church in Lynn, Mass., the local society yesterday accepted the resignation, to take effect on July 31, 1907. This date will permit of two or three weeks of the active pastoral relations between them when Mr. Kinzie returns from Rome and a European trip.

The letter as read yesterday at the business meeting of the society was as follows:

"Barre, Vt., April 30, 1907.  
"Dear brethren and sisters:  
"Four years and nine months ago we began our work as pastor and people believing that it was the will of God that we should labor together for the advance of his kingdom. It was with a sense of human weakness and the necessity for power from on high through the energizing power of the Holy Spirit that I took up the sacred trust you placed upon me. The time has now come when I believe it is the will of God that I should return to you this sacred trust and relinquish the pastoral office among you."

"A unanimous call has come to me from another field of labor. This call I cannot but feel is a call from God, and I feel that I am bound to accept it. My name having gone before the church and investigation made by them before I had the first intimation that they were without a pastor. After much earnest prayer and a personal examination of the church and its needs and opportunities, the conviction has come to me that this call is of God."

"I therefore resign the pastorate of our church in Barre. In accordance with the rules of our church I ask to be released at the expiration of three months, or July 31, 1907. Or if the church will so elect, this resignation may take effect immediately."

Yours in Christian fellowship,  
W. A. Kinzie."

The Rev. Mr. and Mrs. Kinzie came to Barre from Bristol, this state, a little over four years ago, the former having been pastor of the Baptist church there for many years. They at once took hold of the work of the church society and much vision, and the four years have seen great advancement of the church, both spiritually and materially. Many members have been taken into the society, and the church debt which had been standing since the building of the edifice was practically wiped out. Social and civic life has been greatly benefited by the work of the church and the Rev. Mr. Kinzie.

Rev. and Mrs. Kinzie are expected to return on or about July 10.

## EVILS OF DRINKING TOLD.

And the Remedies By the Rev. C. C. Conner.

The Rev. Mr. Conner, at the Universalist church, spoke last evening to a good sized audience on "The Evil of Drinking." He said in part:

"A majority of the voters of the city said in the last election that they would make the selling of intoxicating drink legal. But they could not make right what is wrong in the constitution of our being. That is the largest question with which we have to deal. What is the evil of drinking?"

"First.—The alcoholic principle in brewed or distilled liquors is injurious to the physical man. Specialists have studied this phase of the evil, and find that heart and lung diseases are much more common among drinkers than among other people. Sunstrokes or fatal prostrations from heat in our cities are almost wholly confined to those addicted to the use of beer. Investigation in many nations as to the cause of death has determined that over three and a half millions are brought to death by drink every decade. The figures are appalling, and yet are put carefully on the inside of facts."

"Second.—Intoxicants have injurious mental effects. Possibly this has a physical basis. Dr. Norman Kerr, a famous physician of London, has said that in making observations on dead bodies he had constantly found in the skulls of those who drank conditions unfavorable to mentality. Alcohol has the effect of thickening the covering tissues of the brain, which proportionately shrink and become incapable."

"A man makes his brains against any unnatural stimulant or excitant which steals them away whilst he is unaware of it, and only knows at length that his mental faculties and faculties together are bankrupt. He begins too oft to dream dreams and see visions which are not of the best. The real things of life, the sane and sweet, are no longer to him. The unreal is terrible, the imagination is steeped with poison, and demons of frightful men haunt him. He becomes a fearful example of the truth of the proverb: 'Wine is a mocker,'

EXPECTORATE  
NOT SPITTING?Complications Arise in the  
Local City Court

## JUDGE SCOTT'S RULING

S. Osterberg First Arrest Under New  
Law, Proved to the Judge That He  
Neither Spat nor Expectorated,  
But Was Sick.

The first case under the new expectorating law to come up in the city, and possibly the first in the state, was heard Saturday afternoon before Judge Scott, and ended in the prompt dismissal of the respondent as the judge decided that the act of expectorating matter from the stomach is not expectorating. Incidentally, the judge gave it as his opinion that spitting and expectorating are different things and the act of throwing off saliva or tobacco from the mouth would not be included under expectorating. Others, however, differ materially from Judge Scott's viewpoint, although they do coincide with his opinion that under the present reading of the law the officers arresting for expectorating on sidewalks and other public places must first secure a warrant. Officers are asking each other where the offenders would be while the warrants were being sworn out.

S. Osterberg who drifted north from Savannah, Ga., five days ago and went to work granite cutting at Northfield was the cause of all the discussion. Osterberg contracted malaria in the south and his physical condition after working two days in Northfield was such that he had to come to Barre to get treatment. This he found in one of the saloons.

"Ver honor, I took holy tree drinks," declared he to Judge Scott, "n' then I took sick."

It was during this attack of sickness that Patrolman Carle happened along. The officer decided that here was a case of expectorating on the sidewalk if ever there was and so arrested Osterberg near the Depot square corner. Osterberg did look as if he was sick when he was brought before Judge Scott, but whether from malaria or not is a different matter. The judge heard the man and officer and then told Osterberg that he was discharged, whereas the man left looking satisfied.

The judge, after consulting one or two dictionaries, gave it as his opinion that the act of expectorating means a raising from the lungs, or hawking, and that such act must precede the spitting. That Webster's International Dictionary of 1904 gives the following definition:

"Expectorate: to discharge matter from the lungs or throat by hawking and spitting; to spit."

Following the same dictionary further, it will be found that the verb to spit means "to eject from the mouth; to throw out, as saliva or other matter, from the mouth."

In determining the meaning of a law also, the intent of the law-makers is generally taken into consideration. In Senator Frank C. Howland, who introduced the anti-spitting law in the last Vermont legislature, says that the intent was to prohibit spitting tobacco, saliva, etc., on sidewalks and in other public places, except in proper receptacles, and also that during the committee hearings on the measure these things were taken into consideration.

Thus, speaking from the standpoint of Noah Webster, late edition, and of the law-makers, it would constitute a misdemeanor to spit on the sidewalk although it may be necessary to go on to a supreme court to get a final interpretation. Recently many people have broken over the good habit contracted when the anti-spitting signs were put up.

## BALL PLAYERS SETTLING DOWN.

J. E. Wherry, Better Known as "Jim Warner," Arrived Saturday Afternoon.

If the weather permits, the Intercity ball players will line up against Montpelier seminary at the league grounds this afternoon. The game with Goddard Saturday afternoon was not played because of the rain. Among the latest arrivals of local players is J. E. Wherry, or better known to Barre and Montpelier as "Jim Warner," a pitcher of last summer's Intercity team. Wherry was under an assumed name last summer as is the habit among the younger ball players. He is from one of the large colleges in the middle west. He reports that he is in condition and will be ready for the opening of the league next Saturday.

The players have nearly all reported now, and are finding places to live during the summer's stay. It was left optional with the men whether they should live in Barre or Montpelier, and so it is probable that they will divide up.

BROTHER VS BROTHER  
IN COURT CASE

Men of Same Family But Different  
Names Appear in Montpelier City  
Court on a Junk Case.

Montpelier, May 6.—Before Fred L. Laird, as justice of the peace, a complicated junk case was tried today, it being that of L. Gould of Montpelier against H. Diamond of Randolph. Gould bought \$632.27 worth of junk from Diamond and claims that \$112.95 of it was adulterated junk and unsalable, consisting of old iron, rocks, ice and other things which a self-respecting junk dealer would palm off on another. He developed that the plaintiff and the defendant are brothers and that they changed their names on coming to this country.

The plaintiff was on the stand first and he told of his grievance, followed by a Jewish rabbi. This latter said that he met Diamond, the defendant, in Bethel a while ago and asked him what he was doing, and Diamond replied that he was "doing" his brother or something to that effect. This was one of the strong points of the plaintiff.

## MORE SMALLPOX.

Two New Cases at West Berlin Were  
Reported Today.

West Berlin, May 6.—Two more cases of smallpox have developed. The patients are Mrs. Charles Leonard and son, Mr. Leonard and two other children have probably been exposed but have not come down yet. Miss Alice Gore was taken sick with the disease Saturday.

## TO TEST THE LAW.

As to Where Intoxication Second  
Offenders Shall Be Kept.

A test habeas corpus case is being prepared by Judge Harvey of the Montpelier city court and State's Attorney Gates to determine if persons fined for a second offense of intoxication and who are sent to jail for non-payment of the fine shall serve that sentence in the house of correction or county jail. Henry A. Bowers, now in the county jail, is the figure head in the habeas corpus proceedings. The supreme court has already held that in cases of non-payment of fines, where the fines are being served out, the respondents shall be taken to the house of correction, but nothing was said about intoxication respondents. At the present time Washington county second offenders are being kept in the county jail.

New lot of suits at Abbott's.